

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77004 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- BAGENGOLA District- Buxar

1. Jitendra Kumar Ram @ Jitendra Ram, Son of Late Baki Ram, Resident of Village - Rajpur, P.S. - Bagengola, District - Buxar
2. Kalendra Ram @ Kalendar Ram, Son of Late Baki Ram, Resident of Village - Rajpur, P.S. - Bagengola, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Bagengola P.S. Case No. 121 of 2023, registered for the offences punishable under Sections 147, 149, 188 and 353 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleged that in order to ensure the compliance of the order of this Court passed in M.J.C. No. 232 of 2021, when the Circle Officer, Brahampur alongwith Rajpur police officials went to Mauza Rajpur to remove the encroachment over the public land,



the villagers raised objection and started hindrances and restrained the Government officials to discharge their duty; due to which the encroachment could not be removed. The incidence was duly videographed, wherein the petitioners have been identified as the persons who were involved in making hindrances.

4. Learned Advocate appearing on behalf of the petitioners contended that from the FIR it is evident that the allegation has been levelled against local villagers and public at large, however, only on account of the fact that the petitioners were claiming title over the land in question, their names have been implicated in this case. The *mala fide* is also writ large as earlier the petitioners have filed a complaint against the concerned Circle Officer where some fine have also been imposed against the Circle Officer. The petitioners undertake before this Court that they will fully co-operate in the proceeding of the Court and abide by all the orders passed by this Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from one criminal antecedent as is evident from the supplementary affidavit, the petitioners have objected while



discharging the public duties.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the undertaking of the petitioners given before this Court, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Bagengola P.S. Case No. 121 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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